



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

September 7, 2018

By ECF

Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Gizmodo Media Group, LLC v. Federal Bureau of Investigation*, 17-CV-5814 (ER)

Dear Judge Ramos:

This Office represents defendant the Federal Bureau of Investigation (“FBI”) in the above-referenced action concerning a request made by plaintiff pursuant to the Freedom of Information Act (“FOIA”). I write to bring to the Court’s and plaintiff’s attention a recent development in this matter, in which the parties’ motions for summary judgment are presently pending. The motions concern the adequacy of the FBI’s search in response to plaintiff’s request for records on Roger Ailes.

The FBI has just informed me that in conducting a search in response to a separate FOIA request by another requester, it has identified additional records that may be responsive to the request at issue in the instant litigation. The FBI is presently obtaining these records from various locations, including offices other than FBI Headquarters, and anticipates that it will be able to provide a page count of responsive records and a proposed processing schedule by October 9, 2018. The information available to us is preliminary and incomplete, and we are not requesting that the Court take any action on this development at this time, but we are submitting this letter immediately given the pending motions concerning the adequacy of the searches at issue. We will provide further information as it becomes available, along with any necessary applications to the Court should the documents identified bear on the pending motions.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/ Lauren Almquist Lively
LAUREN ALMQUIST LIVELY
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007

cc: Daniel Novack
Plaintiff's counsel
4 New York Plaza, 2nd Floor
New York, NY 10004
(by ECF)